

DELTA PROTECTION COMMISSION

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FINAL

Minutes of the Delta Protection Commission
Meeting of Thursday, June 27, 19961. Call to Order/Roll Call.

The meeting was called to order at 6:30 p.m. Commissioners present were: Chairman McCarty, Vice Chair Fargo, Commissioners Ferreira, Freeman, Herendeen, Mello, Murphy (arrived at 6:45), Potter, Salmon, Sekelsky, and Torlakson. Commissioners absent were: Broddrick, Calone, McGowan, Nottoli, Thomson, and Yates.

2. Public Comments.

There were no public comments.

3. Minutes of May 23, 1996 Meeting.

Approval of the draft minutes was moved by Vice Chair Fargo, seconded by Commissioner Simas, and approved by voice vote; Commissioners not present at the last meeting abstained.

4. Chairman's Report.

Chairman McCarty announced the next Commission meeting will be Thursday, July 25, 1996, in the Jean Harvie Community Center. He announced the Commission does not have to pay the \$120,000 in attorney's fees requested after BioGro won its lawsuit against the Commission and thanked Rick Frank and Christine Sproul. He said the Assembly Natural Resources Committee approved the legislation for the two-year time extension with one proposal: to drop the ten percent penalty for fines in the Delta. Regarding the Commission's budget, he said the Commission's budget is now part of the overall budget being negotiated by the Governor and the Legislature. He noted the Pear Fair in Courtland will be held on July 28, 1996.

5. Executive Director's Report.

Margit Aramburu announced the Commission's Geographic Information System is now part of the Resources Agency's computerized geographic information system, called CERES. She distributed a sheet with the Internet address for CERES and the Commission's e-mail address. She noted the Recreation Survey Subcommittee met on Thursday, May 30, the pre-testing has been completed and the survey and inventory will be submitted to the Commission in November. She noted the meetings on

Channel Islands have continued and a draft memorandum of understanding has been prepared; she will bring the MOU to the Commission in the future. She said she attended the CALFED workshop on Tuesday, June 25, which addressed the three alternatives to be analyzed in the environmental document. She distributed a memo which summarizes the three alternatives: a management approach; a through Delta alternative, with changes to channels and enhanced habitat; and a small isolated water transfer facility. She distributed an article reprinted from the American Farmland Trust on the 1996 Farm Bill. She noted that the mailing packet included a reproduction of the Delta supplement from Contra Costa Times and a copy of a comment letter on environmental document on the Long Term Management Strategy.

6. Pending Projects Memo.

There were no comments or questions on the pending projects memo.

7. Update on Status of Proposed Regulation and Proposed Amendment to the "Land Use and Resource Management Plan for the Primary Zone of the Delta" (Plan) Addressing Siting of Sewage Treatment Plants and Areas for Disposal of Sewage Effluent and Sewage Sludge.

Ms Aramburu said that due to scheduling conflicts with the Attorney General's staff's work load, it now appears the P-3 vote will be in August. She also noted that in the lawsuit by Central Delta and South Delta water agencies against the State Water Board to nullify the permits for sludge disposal issued under the General Order, the State Board asked the attorneys who brought the suit to propose a settlement. A settlement has been submitted which would nullify permits in the Sacramento and San Joaquin River watersheds that are within 60 feet of groundwater or 600 feet of a waterway. Local ordinances are being considered in Solano County, San Joaquin County, and Yolo County.

Commissioner Potter and Chairman McCarty noted that they had discussed similar issues with BioGro.

Commissioner Mello said that he continues to be concerned with the need for the local communities to expand sewage treatment facilities to allow growth in conformance with the Commission's adopted Plan and he has asked for information from Sacramento County about the capacity of the existing facilities.

Chairman McCarty asked staff to poll Commissioners re attendance in August.

8. Public Hearing and Possible Commission Adoption of Budget and Work Plan for FY 96-97 (Through January 1, 1997 only).

Chairman McCarty said the budget was carried over from last month's meeting. The proposed budget and work plan covers the first half of FY 96-97, until the Commission's sunset date of January 1, 1997. If the Commission's sunset date is extended, staff will prepare a revised work plan for Commission consideration.

Ms Aramburu noted the proposed budget and work plan covers the remainder of the calendar year, and covers completion of work tasks now under preparation, continued work with the local governments to complete the general plan amendment process, and provides for a final report to the Legislature. The level of funding remains the same as last year.

Commissioner Potter asked if the \$25,000 for consultants in the budget is for any designated project; Ms Aramburu said no, its just set aside for consultant fees if needed. Commissioner Potter asked if authorization to expend consultant monies would be brought back to the Commission; Ms Aramburu said yes.

Chairman McCarty opened the public hearing.

Wanda Keiger asked if the Commission is a result of the 1992 Earth Summit and if the Commission is the result of federal legislation; Chairman McCarty said no to both questions.

Chairman McCarty closed the public hearing.

On a motion by Commissioner Potter and a second by Commissioner Torlakson, the budget and work program was approved by voice vote.

9. Public Hearing and Possible Commission Adoption of Position on Pending Legislation:

a. AB 2193(Rainey) Control of Egeria Densa in Delta waterways.

b. SB 900(Costa) Bond Funds for Water Projects, includes funds for levee maintenance. Bill is in conference committee; language will be sent as soon as available.

c. AB 360(Hannigan) Adds "project" levees in the state-funded levee maintenance program. Additional language is being considered which would extend and expand the current subvention program under SB 34; language will be sent as soon as available.

Commissioner Potter noted that he had brought copies of the materials from the first conference committee meeting on June 26. He said Senator Costa has charged the "stakeholders" with negotiating the language and substance of the bill. Senator Costa has asked for consensus language by July 5. Senator Johnston had set out some key elements to protect the Delta. Commissioner Potter said the bill is now two parts, each about \$500 million; first half is to implement immediately; the second half of the funds to become available as certain goals and actions are completed. He noted that in 1960, the voters approved a bond act for \$1.75 billion to start the State Water Project.

Commissioner Torlakson asked if there was any component of the bond act which would fund storage and development of education and research about the Delta, such as the proposed Delta Environmental Education Center; Commissioner Potter said there had been no discussion of such a component and suggested it might be suitable for funding under CVPIA or the Category III programs.

Chairman McCarty said he understands the second part will fund the State's portion of the CALFED process.

Commissioner Torlakson moved to send a letter to the Conference Committee indicating support in funding a learning and research center, such as the Delta Environmental Education Center, as part of the funding program. The motion was seconded by Vice Chair Fargo. The motion was approved unanimously by voice vote. Chairman McCarty directed staff to draft a letter.

Chairman McCarty tabled AB 360 and further discussion of SB 900 until new language is available.

Ms Aramburu reviewed AB 2193 (Rainey) and said the proposed legislation would designate the Department of Boating and Waterways as the agency charged with managing the exotic freshwater plant, *Egeria densa*, which has been creating a nuisance to boaters and water districts in the western Delta. The proposed language does not include funding; the bill does not specify the WAY the plant will be controlled.

Vice Chair Fargo reported that the Legislative Subcommittee met earlier this evening and voted to support the bill to bring the matter to statewide attention.

Chairman McCarty opened the public hearing.

Chris Lauritzen, Lauritzen Yacht Harbor in Antioch, passed around pictures and reported that the plant is an epidemic and creating horrible problems in the western Delta for water managers and boaters. He expressed concern that the plant may also spread to other freshwater bodies throughout the State.

Commissioner Salmon asked if the plant can survive out of the water; Mr. Lauritzen said he is not a scientist, but believes that the plant can survive under certain conditions.

Chairman McCarty closed the public hearing.

Commissioner Torlakson moved support of the legislation, seconded by Commissioner Simas.

Commissioner Herendeen amended the motion to support funding for a program; the amendment was accepted by the maker and the seconder.

Commissioner Murphy commented that there may be another suitable agency to carry out a program, such as Department of Fish and Game, and he suggested broadening the bill to support a more aggressive program of control and eradication. He amended the motion to include support of an aggressive program; the amendment was accepted by the maker and the seconder to direct "all appropriate resources" toward resolution of the problem.

Commissioner Murphy asked if DBW has funds, why is the legislation needed.

Commissioner Torlakson and Ms Aramburu commented that the legislation is very specific and authority to control this plant must be added to the State legislation.

Through the Chair, Bill Curry said DBW currently does not have authority to control *Egeria densa*. The staff is interested, but the agency currently lacks authority. He suggested the Commission could support retaining DBW as a department and support DBW taking on the problem with the appropriate funding.

Ms Aramburu said the current legislation assumes continuation of DBW, and if DBW does not continue, its activities would be addressed by the Legislature.

Chairman McCarty said the motion on the floor is to send a letter of support for the proposed legislation, to support funding for a suitable program, and that all appropriate resources be directed toward resolving the problem. The motion was approved unanimously by voice vote.

10. Continued Commission Consideration of Abandoned Vessels in the Delta Waterways.

Chairman McCarty said the Commission held a public hearing on this issue in January and had asked for additional information. The Commission may recommend a course of action in support of a program to remove abandoned vessels from Delta waterways.

Ms. Aramburu said in January the Commission indicated interest in helping to resolve this regional issue, but requested more information about moored vessels. Staff researched those issues and included some additional information in this meeting's staff report, but the staff report includes no new information about abandoned vessels. The issues seem to be: who should pay for removal and disposal of abandoned vessels? and second, is the process for removing vessels in need of updating to speed removal of these abandoned boats?

Funding could come from existing "taxes" on boaters, e.g. private property tax paid annually by the boater and collected and spent by the Counties; gas tax which is paid by boat owners who buy boat gas, and collected and spent by the Department and Boating and Waterways and the Legislature; from some new source of funds, such as a vessel registration fee, a boat sales tax increase, or some other vessel/boating-related "tax"; or some other source, such as fines levied against violators in the Delta, toxic clean-up funds, water quality funds, or other sources that the Commission may not be aware of at this time.

The process for identifying, tagging, notifying owners, and removing abandoned vessels could be reviewed to see if there is a need to "streamline" the existing process. Concerns were raised that some vessels have clearly been "dumped", this is not a matter of fining the owner and asking the owner to come collect a valuable and useful boat. This is a matter of junked vessels that need to be removed from the waterways to prevent pollution, prevent scattering of debris, and prevent underwater obstacles.

Ms Aramburu said the Commission's discussion should address if there is a regional Delta issue that needs to be addressed and what role if any can the Commission play in helping to identify, address and/or resolve the issue.

Vice Chair Fargo said the Legislative Subcommittee had reviewed the issue at its meeting and suggested that the issue clearly is a regional problem in the Delta and may be a wider problem, Statewide. The Subcommittee suggested there be some generation of funds from the boating community, such as a surcharge on vessel registration, based on the successful vehicle abatement program, or a surcharge on boat gas tax. She suggested an across the board funding mechanism would be inappropriate.

Commissioner Torlakson added that the Committee believes it is a serious problem based on possible accidents and pollution, and agreed that it could be addressed on regional basis and suggested that the counties may be able to carry out the program, and that the Commission may be able to assist in coordination on a regional basis.

Commissioner Potter asked if there was consideration of possible State legislation; Commissioner Torlakson said that would be the way to develop a regional program that could be carried out by the Counties. He said the Subcommittee asked staff to research the funds that could be raised by a surcharge; how many vessels have been abandoned, what is the cost of removal; and possibly setting up a short-term program (five years). Ms Aramburu added that the abandoned vehicles program was authorized by State legislation, but is carried out by the local governments.

Commissioner Potter asked if staff had talked to Senator Johnston's office and possibly provide some staff assistance in developing ideas; Ms Aramburu said she had not, based on the legislative cycle. Commissioner Potter said it would be a good time to start discussions.

Vice Chair Fargo said its important to develop information about monies that can be raised and possible problems in other regions.

Commissioner Torlakson said its important to get input from the Commissioners and then be ready to take a consensus position to the legislators.

Commissioner Mello said its important to find out the costs, how big is the problem, who knows how many abandoned vessels there are?

Chairman McCarty said staff had been directed to develop some figures.

Chairman McCarty opened the public hearing.

Seth Cockrell, Marina and Recreation Association, State of California. He said his group is very concerned about this problem. He said the costs of removal are between \$2,000 and \$5,000. He said the problem is with vessels with no registration; this is a problem in San Diego and San Diego Bay and in lakes. He said the larger vessels are the biggest problem. He thinks its a statewide issue, the Department of Boating and Waterways should be involved, he suggested changes from the vehicle legislation, because the ownership and abandonment of vessels is often across County lines. He agreed that its important to get legislators in support quickly.

Commissioner Torlakson said boaters have been concerned with raising fees generally, would they support fees for this type of program. Mr. Cockrell said the majority of voters would support a program that will benefit them, although some boaters will not support any fee increases.

Bill Jennings, DeltaKeeper, said he has observed many abandoned vessels, and said many are hazards to navigation, he said there is a boat where the owner is know, but is unwilling or unable to do anything. He said the DeltaKeeper program would support the Commission's efforts and believes that a statewide program would be appropriate. He said they will be trying to remove some small vessels themselves.

Ms Aramburu asked if DeltaKeeper might be able to tell the Commission about the number and location of abandoned vessels. He said they could help, but don't have that information now.

Chris Lauritzen, Lauritzen Yacht Harbor, said he sent a letter to the Commission in January. He suggested having marine patrols and Department of Fish and Game videotaping waterways to document abandoned vessels. He added that some vessels are "documented" by the Coast Guard, and not registered with DMV. He mentioned a boat that they knew the owner was in San Quentin. He said there are lots of boats that shouldn't be on the water; he suggested including a program of buying old vessels to retire them from the water. He agreed with the estimated cost of removal. He agreed that its a continuing problem, along with problems of living aboard and sewage disposal. He believes it is a statewide program and feels legislation would be a good first step.

Chairman McCarty closed the public hearing.

Commissioner Freeman said he had been informed of a situation where boats were burned, the owner was told he had 30 days to remove the vessels, and seven days later he was cited. He said some people may abandon vessels because they aren't being helped; they are being harassed.

Vice Fargo made a motion to direct staff to proceed with research on the matter, as outlined, and to contact the Delta legislators to pursue a vessel retrieval and disposal program, funded by a vessel registration surcharge or through vessel gas taxes. While the program may be a statewide problem, she suggested the Commission start with identifying the Delta problems. She suggested congratulating the legislature on the success of the vehicle removal program

Motion was seconded by Commissioner Torlakson.

The motion was approved unanimously by voice vote.

Ms Aramburu agreed that an amnesty program, such as a gun turn in program, or retirement of junk cars by the Air Board are models. Vice Chair Fargo mentioned SMUD's old refrigerator buy-back program.

Commission Murphy supported including a prevention element.

Chairman McCarty noted that the toxic and pollution component of this problem is a key aspect at this time. He agreed that the burned vessel problem raised by Commissioner Freeman is another issue.

11. Commissioner Comments.

Commissioner Mello noted that the Buddhist Bazaar will be held in Walnut Grove on July 7 and 8.

Vice Chair Fargo asked for input on how to design a deflector to protect the docks in Old Sacramento from floating debris.

12. Adjourn.

The meeting was adjourned at 8:00 p.m .